



U.S. Customs and Border Protection

RECORD KEEPING

Overview

This provision overviews record-keeping requirements for the importer, producer, and exporter associated with a shipment seeking preferential tariff treatment under USMCA. This fact sheet highlights key changes from the North American Free Trade Agreement (NAFTA). General record-keeping requirements are in 19 CFR 163.2.

References

- **USMCA**
 - *Final Text:* Chapter 5, Article 5.8
 - *HR 5430 Citation:* Title II, Section 206
- **NAFTA**
 - *Final Text:* Chapter 5, Section B, Article 505
- **CFR:** 19 CFR 181.22

Significant Changes in USMCA

Provision	USMCA	NAFTA
Effective Period	• No change – Five years from date of importation for importer and five years after date on which certification of origin was completed, or longer as Party may specify.	
Responsible Party(ies)	• No change – Importer claiming preferential tariff treatment and exporter/producer in its territory.	
Requirements	• Certification of origin <i>or</i> written representation from producer.	• Certificate of Origin (Form 434).
Medium	• Any, including electronic.	• Not specified.
Exceptions	• Requirements apply even if importing Party does not require certification of origin or if a requirement for a certification of origin has been waived.	• Not specified.

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CBP Publication No. 1144-0620



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Detailed USMCA/NAFTA Side-by-Side

Provision	USMCA	NAFTA
Effective Period	<ul style="list-style-type: none"> Five years from the date of importation of the good. Five years after the date on which the certification of origin was completed, or for such longer period as the Party may specify. 	<ul style="list-style-type: none"> Five years after the date on which the Certificate was signed or for such longer period as the Party may specify. Five years after date of importation of the good or for such longer period as the Party may specify.
Responsible Party(ies)	<ul style="list-style-type: none"> Importer claiming preferential tariff treatment Exporter or producer in its territory. 	<ul style="list-style-type: none"> Importer claiming preferential tariff treatment Exporter or producer in its territory.
Requirements	<p>Importer</p> <ul style="list-style-type: none"> Documentation related to importation, including certification of origin. All records to demonstrate good is originating. Documents necessary to demonstrate compliance with Article 5.4.1(e). <p>Exporter or Producer</p> <ul style="list-style-type: none"> Certification of origin or written representation. All records necessary to demonstrate that a good is originating, including: <ul style="list-style-type: none"> Purchase of, cost of, value of, shipping of, and payment for, the good or material; Purchase, cost of, value of, shipping of, and payment for all materials, including indirect materials, used in the production of the good or material; and The production of the good in the form in which the good is exported or the production of the materials in the form in which it was sold. 	<p>Importer</p> <ul style="list-style-type: none"> Document, such as copy of the Certificate, as the Party may require relating to the importation of the good. <p>Exporter or Producer</p> <ul style="list-style-type: none"> Certificate of Origin. All records relating to the origin of a good for which preferential tariff treatment was claimed, including: <ul style="list-style-type: none"> Purchase of, cost of, value of, and payment for, the good that is exported from its territory; Purchase of, cost of, value of, and payment of all materials, including indirect materials, used in production of good that is exported from its territory; and Production of good in the form in which the good is exported from its territory.
Medium	<ul style="list-style-type: none"> Importer, exporter, or producer in its territory may choose to maintain the records or documentation in any medium, including electronic, provided that the records or documentation can be promptly retrieved and printed. 	<ul style="list-style-type: none"> Not specified.
Exceptions	<ul style="list-style-type: none"> Record-keeping requirements apply even if importing Party does not require a certification of origin or if a requirement for a certification of origin has been waived. 	<ul style="list-style-type: none"> Not specified.